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United States Senate

WASHINGTON, DC 20510-3703

April 5, 2000

The Honorable Q. Todd Dickinson
Commissioner of Patents and Trademarks
U.S. Department of Commerce
Washington, D.C. 20231

Committees:

Budget
Commerce, Science
& Transportation
Energy & Natural Resources
Environment & Public Works
Special Committee on Aging

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Portland, OR 97232
(503) 326-7525

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Suite 435
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(541) 431-0229

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La Grande, OR 97850
(541) 962-7691

U.S. Courthouse
310 West 6th St
Room 118
Medford, OR 97501
(541) 858-5122

The Jamison Building
131 NW Hawthorne Ave
Suite 107
Bend, OR 97701
(541) 330-9142

707 13th St, SE
Suite 285
Salem, OR 97301
(503) 589-4555

Re: Blacklight Power, Inc.'s Patent Application Ser. No.
09/009,294

Dear Commissioner Dickinson:

I am writing this letter on behalf of one of my constituents who is a member of the Board of Directors of Blacklight Power, Inc. It has come to my attention that the U.S. Patent & Trademark Office has withdrawn a Blacklight patent application, Ser. No. 09/009,294 ("294 application"), which was due to issue as U.S. Patent No. 6,030,601 on February 29, 2000. A copy of the February 17, 2000 Notice of withdrawal that was sent to Blacklight's counsel is attached. It is alleged by my constituent that the patent due to issue to Blacklight was withdrawn through an unusual process.

Please also find enclosed a copy of an abstract for a speech from an Official at the U.S. Department of State, Dr. Peter Zimmerman, who plans to present a paper to the American Physics Society in April. The abstract states that Dr. Zimmerman's "own Department and the Patent Office have fought back with success" against inventors of "hydrinos." According to Blacklight Power, the term "hydrinos" was coined and is used exclusively by the company.

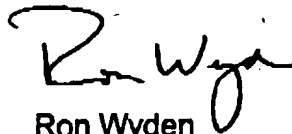
My questions concerning this matter relate to: (1) any involvement you may have had in pulling the '294 application from issuance; (2) any *x parte* communications that may have occurred between third parties and the Patent Office relating to Blacklight or its technology; and (3) how the State Department and the Patent Office may have "fought back with success" against Blacklight.

To address these concerns, I am requesting that you provide me with the following information:

- (a) A written description of your role and any relevant communications between you and other Patent Office personnel in withdrawing the '294 application from issue.
- (b) Copies of any written communications between third parties and the Patent Office relating to Blacklight or its technology, including any correspondence between you or other Patent Office personnel and the State Department, including Dr. Zimmerman; and any written communications between the Patent Office and any other Federal agencies relating to Blacklight or its technology.
- (c) The extent of any cooperation between Dr. Zimmerman, the U.S. State Department, and the Patent Office relating to Blacklight, its technology or the '294 application.

I look forward to your prompt response to this request. If you have any questions concerning this request, please contact Joshua Sheinkman of my staff at (202) 224-5244.

Sincerely,



Ron Wyden
United States Senator

Attachments: February 17, 2000 Notice of withdrawal
Peter D. Zimmerman, "Touching the Third Rail: Encounters with
Pseudoscience and Pseudoscientists," U.S. Department of State

CC: Kevin Baer, Esq., Attorney-Advisor, U.S. Patent Office
Janie Cooksey, U.S. Department of Commerce
Mr. C. Norman Winningstad



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20531

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Paper No.

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**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

NOTICE

In re Application of
Randell L. Mills
Application No. 09/009,294
Filed: January 20, 1998
Attorney Docket No. 911319

The purpose of this communication is to inform you that the instant application, which has received Patent No. 6,030,601 and an issue date of February 29, 2000, is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. This withdrawal was requested by the Director, Special Program Law Office.

The issue fee is refundable upon written request. However, if the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

This application, upon receipt in the Office of Patents, will be forwarded to Technology Center AU 1745 for reopening of prosecution.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Patents
Office of the Deputy Assistant Commissioner
for Patent Policy and Project



[Previous abstract](#) | [Graphical version](#) | [Text version](#) | [Next abstract](#)

Session J12 - FPS Awards Session-Business Meeting.

MIXED session, Sunday afternoon, April 30

101B, Long Beach Convention Center

[J12.001] Touching the Third Rail: Encounters with Pseudoscience and Pseudoscientists

Peter D. Zimmerman (United States Department of State, Washington, DC 20520)

Pseudoscience, and particularly "pseudophysics" is alive and thriving as we approach the turn of the millennium. Not only have many "inventors" of cold fusion spin-offs been making money from investors, but they and "inventors" of various kinds of "zero point energy" devices, perpetual motion machines, and other wonders such as "hydrinos" have found friends in the United States Senate. At least one Nobel Laureate in physics has come to their aid. The Web has been a powerful organizing force as well.

Some organizations, including my own Department and the Patent Office have fought back with success, but always at great cost in time and energy. Pseudophysicists and their friends have money, influence, and sometimes clout. They have not hesitated to use threats, personal attacks, and the full machinery by which government is made accountable to the public to strike at those who expose technical fraud. Encounters with pseudophysicists are like grabbing a hot wire: after the first contact it is hard to get free, and it can inflict serious injury. But you, and I, and all our colleagues in the APS must do what we can to ensure that U.S. policy is not manipulated by pseudoscience, to make certain that taxpayer money is not wasted on nonsense, and to restore public confidence in real science. This will take efforts at public education, work, and as I have learned in the last year not a little bit of courage. APS and FPS should be in the thick of the battle. This talk is an account of a year in the fray.

■ Part J of program listing